

# LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

175 West Fifth Street, Second Floor, San Bernardino, CA 92415-0490  
• (909) 387-5866 • FAX (909) 387-5871  
E-MAIL: [lafco@lafco.sbcounty.gov](mailto:lafco@lafco.sbcounty.gov)  
[www.sbclafco.org](http://www.sbclafco.org)

---

**DATE:** SEPTEMBER 5, 2003

**FROM:** KATHLEEN ROLLINGS-McDONALD, Acting Executive Officer

**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT: Agenda Item # 10:** LAFCO #2943—City of Fontana  
Annexation No. 153 (Lai)

---

**INITIATED BY:**

City Council Resolution, City of Fontana

**RECOMMENDATION:**

1. Certify that the Commission has reviewed and considered the City's environmental assessment for this proposal, take the actions identified in the staff report, and direct the Clerk to file a Notice of Determination within five days;
2. Approve LAFCO #2943 proceedings;
3. Waive protest proceedings, as permitted by Government Code Section 56663(c), with 100% landowner support and concurrence from the City of Fontana; and,
4. Adopt LAFCO Resolution #2781, setting forth the Commission's findings, determinations, and standard conditions of approval.

**BACKGROUND INFORMATION:**

LAFCO 2943 is a proposal to annex approximately five (5) acres to the City of Fontana, initiated by the City Council at the request of the landowner. The study area is generally located on the south side of Miller Avenue, approximately 330 feet west of Maple Avenue (the existing City of Rialto boundary). The area is generally bordered by Miller Avenue on the north,

parcels lines on the east and south, and parcel lines (existing City of Fontana boundary) on the west. The area is within the City of Fontana's eastern sphere of influence. Attachment #1 includes maps of the area under consideration.

The parcel proposed for annexation is currently vacant land. Surrounding land uses include vacant and residential uses to the north, east and south within the unincorporated area. Land use to the west is single-family residential and vacant lands within the City of Fontana. As viewed on the attached maps, the annexation as presented would appear to extend what the Commission has previously identified as a "sawtooth" pattern of annexations which does not support the efficient delivery of services. However, the area to the north of this proposal has also been initiated for annexation by resolution of the Fontana City Council, and is currently being processed as LAFCO 2946. No tentative hearing schedule for this subsequent annexation has been developed. It is staff's understanding that the current parcel has been proposed for annexation on its own due to the timing of the anticipated development and because LAFCO 2946 is legally inhabited which will require protest proceedings, with the possibility of opposition.

In 1979 the City of Fontana pre-zoned the study area for single-family residential uses providing it an R-1 designation (this designation allows for a minimum 7,200 square foot lot size). This designation is consistent with the City General Plan for the study area which is R-SF (single-family residential). As a part of the City's land use approval process, a Tentative Tract Map (Tentative Tract 16399) has been approved for the study area allowing for 18 lots. It has been noted that construction of the 18 single-family residential units within the study area will commence in the near term, and City services will be immediately available upon annexation.

The City of Fontana has submitted a plan for the extension of municipal services as required by law, and that Plan is attached to this report for Commission review. The Plan in general identifies the following:

- Sewage collection services can be readily extended into the annexation area, and such services are required for the new residential development proposed. Sewer facilities will be extended at property owner expense to the tentative tract from existing sewer lines located at Locust Avenue and Fairview Drive. The City of Fontana will be responsible for wastewater collection and treatment will be provided by the Inland Empire Utilities Agency at the Regional Plant No. 1

located in Ontario.

- Water service will be provided by the Fontana Water Company. The area is within the certificated service area assigned by the PUC for this entity. Water facilities will be extended to the proposed residential development at property owner expense.
- Fire protection and paramedic services are currently provided by the Central Valley Fire Protection District, which will continue to serve the site following annexation.
- Law enforcement responsibilities will shift from the County Sheriff's Department, to the City of Fontana. The City indicates that its police department has sufficient personnel and equipment to immediately extend service to the study area.
- The only financial effect to the future residents of the area would a 5% utility tax levied by the City of Fontana on all utility services. In June 2001, the City of Fontana reduced the Utility User Tax for electricity to 4%. The City provides exemption or reduction procedures for low-income and senior citizen households. The utility tax will expire for residential uses in June 2004.

The City of Fontana has conducted the environmental assessment for Tentative Tract 16399 and the annexation of the 5-acre study area. The assessment has been reviewed by the Commission's environmental consultant, Tom Dodson and Associates. Mr. Dodson has determined that the City documents are adequate for Commission use, and his response is attached to this staff report. Mr. Dodson has indicated that the necessary environmental actions to be taken by the Commission, as a responsible agency under CEQA, are as follows:

- a. Indicate that the Commission has reviewed and considered the environmental assessment and Negative Declaration certified by the City of Fontana;
- b. Determine that these environmental documents are adequate for the Commission's use in making its decision related to the annexation;
- c. Indicate that the Commission does not intend to adopt alternatives or mitigation measures for this project. Mitigation measures were

not required for this project by the City of Fontana; therefore, no mitigation measures are the responsibility of this Commission; and,

- d. Direct the Clerk to file a Notice of Determination within five days.

With verification by the County Assessor that the study area possesses 100% landowner consent to annexation and is legally uninhabited, the staff requested the City's concurrence to waive the protest proceeding for this proposal as allowed under Government Code Section 56663. The City has consented to this waiver as the only "subject agency"; therefore, the staff is recommending that the Commission approve this proposal, waive further protest proceedings, and complete the action. A copy of the City's response and landowner consent are included as Attachment #3.

### **FINDINGS:**

The following findings are required to be provided by Commission policy and Government Code Section 56668 for any change of organization/reorganization proposal:

1. State law indicates that an area containing 12 or more registered voters is "legally inhabited." The Registrar of Voters Office has determined that the study area is legally uninhabited, containing 0 registered voters.
2. The County Assessor has determined that the total assessed value of land within the study area is \$207,307 and that 100% of the landowners have consented to the annexation.
3. Commission review of this proposal has been advertised in *The Sun*, a newspaper of general circulation within the study area.
4. LAFCO staff has also provided an individual notice to the landowners within the annexation area, and to landowners and voters surrounding the study area in accordance with state law and adopted Commission policies.
5. The City of Fontana has pre-zoned the study area for single-family residential uses (R-1). This zoning designation conforms to the adopted General Plan for the City of Fontana, and is consistent with surrounding land uses.

6. As a function of its review of Tentative Tract 16399, the City of Fontana acted as the lead agency for the environmental assessment for the annexation proposal. The Commission's environmental consultant, Tom Dodson and Associates, has reviewed the City of Fontana's Initial Study and Negative Declaration and determined that they are adequate for the Commission's review of the proposed annexation as a responsible agency. A copy of the City's environmental assessment and Mr. Dodson's response are attached for the Commission's review. The necessary actions to be taken by the Commission, as a responsible agency under CEQA, are listed in the narrative section of this report.

7. The area in question is presently served by the following local agencies:

County of San Bernardino  
Metropolitan Water District of Southern California  
Inland Empire West Resource Conservation District  
Inland Empire Utilities Agency and its Improvement District C  
Central Valley Fire Protection District  
County Service Area SL-1 (Streetlighting)  
County Service Area 70 (multi-function unincorporated area  
Countywide)

Detachment of CSA SL-1 and CSA 70 will automatically occur upon successful completion of this proposal. None of the other agencies are affected by this proposal.

8. The City of Fontana has submitted a plan for the extension of municipal services to the study area, as required by law. This plan is attached for Commission review, and indicates that the City can maintain and improve the level and range of services currently available in the area.
9. The annexation proposal complies with Commission policies that indicate the preference for areas proposed for development at an urban-level land use to be included within a City so that the full range of municipal services can be planned, funded, extended and maintained.
10. The study area can benefit from the availability and extension of municipal services from the City of Fontana.

11. This proposal will assist the City's ability to achieve its fair share of the regional housing needs upon development of the residential project anticipated – Tentative Tract 16399 for 18 lots.
12. To date, no comments or protests to this proposal have been received from area landowners or registered voters.
13. The County of San Bernardino and the City of Fontana have successfully negotiated a transfer of property tax revenues that will be implemented upon completion of this annexation. This fulfills the requirements of Section 99 of the Revenue and Taxation Code.
14. The map and legal description, as revised, are in substantial compliance with LAFCO and state standards through certification by the County Surveyor's Office.

**CONCLUSION:**

While the boundaries presented by the application are less than ideal, the staff, nonetheless, recommends approval of the annexation. This recommendation is based upon the service needs of the anticipated development. The ability to extend the full range of services available through the City of Fontana that will result from approval of this proposal is necessary and timely for the anticipated development. For that reason, and those identified elsewhere in this report, the staff recommends approval of LAFCO #2943.

Attachments:

1. Maps of Annexation Area
2. City Application and Plan for Services
3. Landowner Consent Form and City Waiver Request
4. Response from Tom Dodson and Associates and City Environmental Documents
5. Draft Resolution #2781